

Formal Review Process of Title 246 WAC

Reviewer: Michael McNickle
Date: July 14, 2014

This is a summary of Chapter 246-203-020 WAC, Spitting

Estimated Start Date: July 1, 2014
Start Date: July 2, 2014
Estimated Completion Date: July 30, 2014
Completion Date: July 14, 2014

Future Review Date: N/A – recommended to be repealed

Next Steps: Repeal rule at the SBOH's convenience

Current Status of Review: Complete

1. Need – is there a need for this rule?

- Is the rule necessary to comply with authorizing statute? **YES**
- Is the rule necessary to receive federal funding? **NO**
- What problem/condition is the rule intended to address?
Explain: **The rule was originally enacted to prevent the transmission of communicable diseases (specifically tuberculosis [TB]) through human sputum in public areas as defined by the rule.**

2. Reasonable and Clear – is this rule clear, concise and reasonable?

- Is the rule written and organized in a clear and concise manner and is easily understood? **YES**
- Does the rule establish different requirements for different licensees or stakeholders? For example, does it establish different requirements for the private and public sector or large and small businesses? If so, is this reasonable? Explain: **NO**

3. Authority and Intent – Does the rule have statutory authority or meet the legislative intent?

- Is the statutory authority clear? **YES**
- Is the rule consistent with the legislative intent? **YES, in context of the time it was enacted.**

4. Stakeholder Coordination – How was the review coordinated? Internal/External/Both

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- Was the review done:
 - By SBOH staff and external stakeholders
- Document how the review was done and what tools or methods were used. For example, survey, meetings with stakeholders, LEAN, etc? SBOH staff discussed the need to revise the rule with the State Public Health Officer, health care providers serving on the State Board of Health, Local Health Officers, and Local Environmental Health Directors.

5. Streamlining Identified – Can this rule be streamlined? Or are there other streamlining opportunities available?

- Are there opportunities to eliminate a rule or a portion of a rule based on:
 - Outdated information or processes? YES
 - Sunset of statutory language? NO
 - Conflicting or unnecessary information? YES
 - Redundancy with other state or federal regulations? NO
 - Legislative changes that have occurred since the rule was created? NO
 - The objective can be achieved without it? YES
- Can the rule be revised to make it easier to understand or reduce ambiguity? YES
- Are there other opportunities to streamline efforts? For example, update information on the web, eliminate internal review processes, etc. NO

6. Reporting Requirements –

- Does the rule require individuals or entities to report information to the Board or Department of Health? NO
- Have the reporting requirements been streamlined? N/A

7. Achieved Intended Results –

- Does the rule achieve the results originally intended? NO

8. Staff Conclusions –

- Does the rule need to be repealed? YES
- Can the rule be retained without changes? YES
- Does the rule need to be amended? NO

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Explain conclusion:

Beginning in 1896 in New York City, towns and cities throughout America passed anti-spitting legislation. This was thought at the time to help stop the spread of tuberculosis (TB) which was the leading cause of death in early twentieth-century America. At the time, most health experts believed spitting was a prime culprit in spreading the disease. It is now known that spitting is not a route of transmission. Spitting is more of a hygiene factor and not a cause of disease. Staff recommends that this rule be repealed because communicable respiratory diseases are under surveillance and control by current epidemiological methods and this rule is unenforceable.